

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LISA CORSON,

Plaintiff,

- against -

BROWN HARRIS STEVEN OF THE
HAMPTONS, LLC,

Defendant.
-----X

Civil Action No.: 1:16-CV-00545(AKH)

**DECLARATION OF KEVIN P. POTERE IN SUPPORT OF
PLAINTIFF LISA CORSON'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, KEVIN P. POTERE, pursuant to 28 U.S.C. § 1746(2), declare as follows:

1. I am an associate at the law firm of Duane Morris LLP, counsel to Plaintiff Lisa Corson ("Corson" or "Plaintiff") in the above-captioned action.
2. I submit this declaration in support of Plaintiff's Motion for Partial Summary Judgment.
3. I have knowledge of the facts in this Declaration.
4. Attached hereto as Exhibit 1 are true and correct copies of excerpts of the transcript of the deposition of Erik Davidowicz, dated November 3, 2016.
5. Attached hereto as Exhibit 2 is a true and correct copy of Statement Listing Changes to Deposition Transcript, dated January 12, 2017.
6. Attached hereto as Exhibit 3 is a true and correct copy of screen shots of the section of Defendant Brown Harris Stevens of the Hamptons, LLC's ("Defendant") website entitled, "Talk of the Town" ("Talk of the Town") and bates stamped DDP000006-DDP000015.

7. Attached hereto as Exhibit 4 is a true and correct copy of Defendant's infringing post entitled, "The Race to the \$100 Million Spec House" (the "Infringing Post") and bates stamped DDP000005.

8. Attached hereto as Exhibit 5 is a true and correct copy of the index of all the posts to Talk of the Town, which is available at <https://bhshamptons.com/talk-of-the-town>.

9. Attached hereto as Exhibit 6 is a true and correct copy of the portion of Defendant's website entitled, "About Terra Holdings", which is available at <http://www.bhsusa.com/about-terra-holdings>.

10. Attached hereto as Exhibit 7 is a true and correct copy of a document entitled, "Computer Use Policy" and bates stamped DDP000001- DDP000004.

11. Attached hereto as Exhibit 8 is a true and correct copy of a document entitled, "Social Media Guidelines" and bates stamped D000040- D000041.

12. Attached hereto as Exhibit 9 is a true and correct copy of the portion of Defendant's website entitled, "Brown Harris Stevens Terms and Conditions", which is available at <http://www.bhsusa.com/terms-of-use>.

13. Attached hereto as Exhibit 10 is a true and correct copy of an email exchange between Steven M. Cowley and Babette Krolik dated January 5, 2016.

14. Attached hereto as Exhibit 11 is a true and correct copy of a screen shot of the Infringing Post taken on September 22, 2015 and bates stamped LOC000003-LOC000004.

15. Attached hereto as Exhibit 12 is a true and correct copy of an email exchange between Steven M. Cowley and Andrew P. Saulitis dated January 24, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 3, 2017



KEVIN P. POTERE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Declaration of Kevin P. Potere in Support of Plaintiff Lisa Corson's Motion for Partial Summary Judgment has been served upon all counsel of record by virtue of notice delivered by the Court's ECF system on this 3rd day of February, 2017.

/s/ Kevin P. Potere
Kevin P. Potere